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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/667,265 | 09/19/2003 | Thomas J. Hartle | 125855-2 | 6052 |
| 23413 | 7590 | 09/26/2007 | | |
| CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002 | | | EXAMINER CHEUNG, WILLIAM K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1713 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/667,265 | Applicant(s) HARTLE ET AL. | |
| | Examiner William K. Cheung | Art Unit 1713 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/24/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-20 and 22-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-20 and 22-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. In view of the amendment filed July 24, 2007, claims 9 and 21 have been cancelled. Claims 1-8, 10-20, 22-45 are pending.
2. In view of the amendment filed July 24, 2007, the rejection of claim 11 under 35 U.S.C. 112, is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-6, 8, 10-20, 22-35, 38, 40-42, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobajima et al. (US 4,603,153) in view of Chao et al. (US

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5,853,060) for the reasons adequately set forth from paragraph 6 of the office action of April 24, 2007.

5. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobajima et al. (US 4,603,153) in view of Chao et al. (US 5,853,060) as evident by Casarini et al. (US 5,358,989) for the reasons adequately set forth from paragraph 7 of the office action of April 24, 2007.

6. Claims 39, 43, 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobajima et al. (US 4,603,153) in view of Chao et al. (US 5,853,060), further in view of Li et al. (US 6,060,549) for the reasons adequately set forth from paragraph 8 of the office action of April 24, 2007.

7. Claims 36-37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobajima et al. (US 4,603,153) in view of Chao et al. (US 5,853,060) for the reasons adequately set forth from paragraph 9 of the office action of April 24, 2007.

Response to Arguments

8. Applicant's arguments filed July 24, 2007 have been fully considered but they are not persuasive.

Applicants argue that Sobajima et al. (col. 8, line 46-62) does not adequately teach the "alkenyl aromatic content of about 40 to about 90 weight percent" as claimed. However, the examiner disagrees. Regarding the claimed weight percent of the alkenyl aromatic compound, the examiner has a reasonable basis that the weight percent feature is inherently possessed in Sobajima et al. because the taught styrene-butadiene class of copolymers of Sobajima et al. (col. 8, line 46-51) clearly fully encompasses the weight percent being claimed because the disclosed copolymers are commercially available polymer products that come in various weight percent, with the butadiene units hydrogenated or unhydrogenated. Applicants must recognize that the examiner has no reasonable basis to exclude the weight percent of alkenyl aromatic compound as claimed from the generic hydrogenated styrene butadiene rubber teachings of Sobajima et al.

Regarding applicants' argument that the recitation "interior" in Sobajima et al. does not include the "underhood" interior portion of an automobile, however, the examiner disagrees. Applicants must recognize that Sobajima et al. (col. 1, line 38-39) only categorize the parts of an automobile into "interior and exterior" parts. Since Sobajima et al. do not indicate anywhere in the disclosure to exclude "the underhood interior" from "the interior part" of an automobile, the examiner does not have a reasonable basis to exclude "the underhood interior" from "the interior part" of an

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automobile. Applicants must recognize that "the underhood components" are still "components" that are installed in "the interior part" of an automobile, not exterior.

In view of the reasons set forth above, the rejections set forth are maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William K Cheung whose telephone number is (571)

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272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William K. Cheung, Ph. D.

Primary Patent Examiner

September 24, 2007

**WILLIAM K. CHEUNG
PRIMARY EXAMINER**